

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1 and 4 are currently being amended. Claim 25 has been added.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-6, 9-11 and 13-25 are now pending in this application.

Claims 1, 3, 6, 9-11, 13 and 21-24 stand rejected under 35 U.S.C. 103(a) as allegedly being obvious over Hammer et al. (U.S. Patent No. 5,736,179). Applicants respectfully traverse this rejection for the reasons set forth below.

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 180 USPQ 580 (CCPA 1974). See MPEP §2143.03. Claim 1 has been amended herein to clarify that the tubular foodstuff casing is treated with at least one cellulase before filling the tubular foodstuff casing. As set forth herein, Hammer fails to disclose or suggest the instantly claimed invention.

According to the present invention a tubular foodstuff casing based on cellulose is treated for a short period of time (*i.e.*, from about 20 seconds to 40 minutes, depending on temperature and pH-value) with cellulytic enzymes which are in turn permanently inactivated. This all may be done while the cellulose tubular foodstuff casing is still in the gel state or after it has been dried for the first time, but in any way it is done before the tubular foodstuff casing is stuffed with the meat stuffing.

Hammer relates to a casing which is intended to impede, or prevent, the penetration of cellulytic enzymes such as cellulase. Hammer accomplishes this object by impregnating

the surface of the cellulose casing in the gel state with chitosan. The treatment with cellulase at column 5, lines 5-15 is nothing more than a test method used to measure the efficiency/effectiveness of the impregnation of the casing. The test method as disclosed in Example 4 of Hammer is done on a casing which is coated and thereby specifically protected against the action of cellulytic enzymes. As a result, the weight loss is 25% less than that of an untreated casing. On such a protected casing, cellulytic enzymes could not produce a uniformly structured modified surface. Apparently, the casing on which the test has been done was not intended for further use as a sausage casing.

Hammer does not provide any motivation to employ a tubular foodstuff casing whose surface has been modified by time-limited action of cellulytic enzymes prior to stuffing. Claim 1 has been amended herein to expressly reflect this fact. For at least these reasons, Hammer does not disclose or suggest the instantly claimed invention. Applicants respectfully request that these rejections be withdrawn.

In the Office Action at page 6 (and at page 5 of the Office Action dated November 19, 2002), the Examiner indicates that claim 4 would be allowable if rewritten to include the limitations of claim 1. Claim 4 has been rewritten in independent form. Claim 4, and new claim 25 which depends therefrom, are allowable over the prior art of record.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of

papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R.
§1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Date 24 November 2003

FOLEY & LARDNER

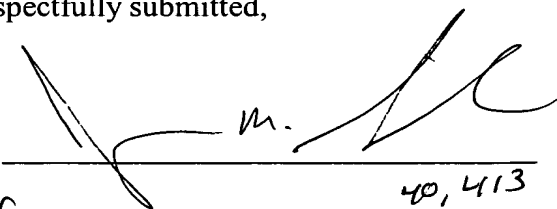
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Respectfully submitted,

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